

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8311 of 2024

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1. Md. Nehal Khan Son of Md. Mansoor Khan, Resident of - Deonah, P.S. Barauni, District - Begusarai.
 2. Md. Rohullah, Son of Md. Obaidullah, Resident of - Mungeriganj, Ward No. 33, P.S. Begusarai Town, District - Begusarai.
 3. Md. Izrail, Son of Md. Suleman, Resident of Village - Sahi Tola-Dehulia, Ward No. 07, P.S. Alouli, District - Khagaria.
 4. Md. Estiyak Ahmad, Son of Md. Mustafa Ahmad, Resident of Village - Basahi, Ward No. 11, P.S. Cheriya Bariyarpur, District - Begusarai.
 5. Nuzhat Rashid, Daughter of Haroon Rashid, Resident of - Pokhariya, Ward No. 35, P.S. Begusarai Town, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Bihar State Madarsa Education Board, through its Secretary.
3. The Chairman, Bihar State Madarsa Education Board, Patna.
4. The Secretary, Bihar State Madarsa Education Board, Patna.
5. The District Education Officer, Begusarai.
6. The Managing Committee through Secretary, Madarsa Badrul Islam, Dr. M. Akhtar Road, Begusarai.
7. Mufti Khalid, Head Moulvi I/C, Madarsa Badrul Islam, Dr. M. Akhtar Road, Begusarai.
8. Mufti Abdul Jabbar, Retired Head Moulvi, Madarsa Badrul Islam, Dr. M. Akhtar Road, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Rahmatullah, Adv.
For the Respondent/s	:	Mr. Government Pleader (18)
		Mrs. Prerna Anand, AC to GP-18
For the Madarsa Board	:	Mr. Shahzad Hassan Khan, Adv.
		Md. Aslam Ansari, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 14-10-2025

Heard learned Advocates for the respective parties.

2. The petitioners have approached this Court for



the following reliefs;

“(I) For issuance of writ of certiorari or any other appropriate writ, order, orders, direction for quashing the order dated 17.10.2023 passed by Special Secretary-cum- Appellate Authority Education Department, Bihar, Patna passed in Appeal No.33 of 2020 along with others appeals quite erroneously dismissed the appeal of the petitioners against the order of the Secretary of the Bihar State Madarsa Education Board, Patna dated 01.06.2020 by which approval of the appointment on the post of Madarsa Teacher has been withdrawn without providing the opportunity of hearing and without going through the merit of the case in terms of provisions of law provided thereof.

(ii) For issuance of writ of certiorari or any other appropriate writ, order, orders, direction for quashing official order dated 01.06.2020 in Memo No. 1724 issued by the Secretary Bihar State Madarsa Education Board, Patna by which approval of appointment of the petitioners has been withdrawn without providing opportunity of hearing and without going through the merit of the case in terms of provisions of law provided thereof.”

3. A counter affidavit has been filed on behalf of the Bihar State Madarsa Education Board, (for brevity the “Board”), respondent Nos. 2 to 4, wherein a categorical averment has been made that while disposing the Appeal No. 33 of 2020, the appellate authority did not consider the submission of the Board that the Board has already passed a resolution dated 17.03.2023 regarding the arbitrary cancellation of appointment of teaching and non-teaching employees of the Board by the then Chairman.



4. In view thereof, it is submitted that the petitioners may approach before the Board in terms with the Clause III of aforementioned resolution. It has further been submitted that for the appointment and termination of teaching and non-teaching employees of the Board related to concerned approved management committee, the management committee itself is required to pass the resolution and, thereafter, forward the same to the office of the Board for its approval. It is the Board which is responsible and answerable for granting approval of the services of the teaching and non-teaching employees.

4. Learned Advocate for respondent Nos. 6 and 8 submitted that he also need sometime to file a counter affidavit and an opportunity to be heard.

5. Having considered the nature of dispute, this Court instead of keeping the matter pending, relegate the same before the Board, which shall consider the claim of the petitioner *vis-a-vis* the claim of other parties in terms with the resolution dated 17.03.2023, after affording opportunity to the parties and dispose of the same by passing a reasoned and speaking order, in accordance with law, preferably, within a period of twelve weeks from the date of



receipt/production of a copy of this order.

6. It is made clear that the impugned order dated 17.02.2023 passed in Appeal No. 33 of 2020 shall not come in the way while deciding the claim of the petitioners.

7. The writ petition stands disposed of with the aforesaid direction.

(Harish Kumar, J)

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